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THE RIGHT TO DEVELOPMENT

Report of the High Commissioner for Human Rights
submitted in accordance with Commission
on Human Rights resolution 1999/79

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Introduction

1. In its resolution 1999/79, the Commission on Human Rights welcomed the high priority assigned by the High Commissioner to activities relating to right to development, and urged the Office to continue implementing Commission resolution 1998/72.

2. It further welcomed the decision of the Economic and Social Council to authorize the establishment of a follow-up mechanism consisting of an open-ended working group and an independent expert with a mandate to present to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development.

3. The Commission also invited the High Commissioner to present a report for its consideration each year for the duration of the mechanism, to provide interim reports to the working group and to make those reports available to the independent expert, in each case covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in the High Commissioner's mandate;

(b) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development;

(c) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard.

4. The present report follows the above-mentioned structure.

5. Information about the implementation of the right to development and problems related thereto can be found in the report of the United Nations High Commissioner for Human Rights to the General Assembly at its fifty-fourth session (A/54/36 of 23 September 1999), and the interim report of the High Commissioner for Human Rights submitted in accordance with Commission on Human Rights resolution 1999/79 to the open-ended working group on the right to development (E/CN.4/1999/WG.18/3).

I. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS RELATING TO THE IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT AS CONTAINED IN HER MANDATE

6. Pursuant to General Assembly resolution 48/141, the High Commissioner for Human Rights has specific responsibility for the promotion, protection and realization of the right to development and the enhancement of support from relevant bodies of the United Nations system for this purpose. However, taking into account the overall relevance of the right to development to all human rights, the High Commissioner assumes other responsibilities in connection with this right.

7 Such activities are reflected in paragraphs 8, 9 and 10 of the interim report of the High Commissioner to the open-ended working group on the right to development (E/CN 4/1999/WG 18/3), an update to which is provided below

8 The report on the Oslo Symposium on Human Rights and Human Development, jointly organized in October 1998 by the Government of Norway, UNDP (Human Development Report Office) and OHCHR, was published in September 1999 This document is available at UNDP offices, on the UNDP Web site and from OHCHR

9 The African Regional Seminar on the Realization of the Right to Development will take place in Yaounde (Cameroon) from 7 to 9 December 1999 The Latin American and Caribbean Regional Seminar and the Asian Regional Seminar are planned for the biennium 2000-2001

10 An inter-sessional regional workshop on the right to development and economic, social and cultural rights was held in New Delhi (see E/CN 4/1999/94) The next workshop will take place in Yemen from 5 to 7 February 2000

II IMPLEMENTATION OF RESOLUTIONS OF THE COMMISSION AND THE GENERAL ASSEMBLY WITH REGARD TO THE RIGHT TO DEVELOPMENT

11 In implementation of resolution 1999/79, OHCHR provided support to the independent expert on the right to development in organizing informal consultations with representatives of Member States, international organizations and NGOs on 14 September 1999 after the first session of the open-ended working group on the realization of the right to development was adjourned The purpose of the consultations was to exchange views, in an informal setting, on the study submitted by the independent expert for the consideration of the working group

12 The Commission on Human Rights, in its decision 1999/104, inter alia, requested the Secretary-General to invite comments from Governments and relevant international institutions on the report of the independent expert on structural adjustment policies (E/CN 4/1999), and requested the expert to submit an updated report to the working group, which should contain

(a) Draft basic policy guidelines on structural adjustment policies,

(b) New developments, in particular actions and initiatives of international financial institutions and any other relevant international bodies with respect to this issue

13 To this effect, the High Commissioner provided assistance to the independent expert on structural adjustment policies, Mr Fantu Cheru, to enable him to visit Zambia, Honduras and Nicaragua with a view to providing the Commission with elements to support the cancellation of these countries' external public debt A report will be submitted to the working group, which is scheduled to meet prior to the forthcoming session of the Commission

14 Considering the connection between structural adjustment and foreign debt, Mr Cheru and the Special Rapporteur on foreign debt (Mr Reinaldo Figueredo-Planchart) participated in a joint mission to the World Bank, the International Monetary Fund (IMF), UNICEF, UNDP, the

Department of Economic and Social Affairs, and the Congress of the United States of America with a view to sensitizing these partners to the need to provide urgent and unconditional financial support to the three countries referred to above, given the humanitarian crisis confronting them.

15. In her report to the Commission on Human Rights at its fifty-fourth session (A/54/36), the High Commissioner reported on a number of activities reflecting the status of implementation of Commission on Human Rights resolution 1999/79 and General Assembly resolution 53/155 on the right to development.

16. In chapter 6, the report addresses issues of globalization and human rights as discussed by the Committee on Economic, Social and Cultural Rights and the Sub-Commission on the Promotion and Protection of Human Rights, respectively, in their 1998 and 1999 sessions. The impact of international trade, investment and finance policy on the full enjoyment of human rights, as considered by the Sub-Commission, (see E/CN.4/Sub.2/1999/11) is also addressed.

17. In the period under review, the High Commissioner addressed the business community twice: she addressed members of the international industry, trade and finance communities at WinConference 1999, in Interlaken, Switzerland, on 10 June 1999, and gave the seventeenth Presidential Lecture at the Swiss Federal Institute of Technology in Zurich on 1 July 1999. The High Commissioner took these opportunities to remind the corporate sector that human rights and the international economic order are indissociable.

III. INTER-AGENCY COORDINATION WITHIN THE UNITED NATIONS SYSTEM FOR THE IMPLEMENTATION OF RELEVANT RESOLUTIONS OF THE COMMISSION

18. OHCHR has maintained momentum in the implementation of the Memorandum of Understanding between the Office and UNDP. In this framework, four training sessions for UNDP staff and their government counterparts have been successfully organized this year in Western and Central Africa (Abidjan, Côte d'Ivoire), Asia (Colombo, Sri Lanka), Southern and Eastern Africa (Windhoek, Namibia) and Central and Eastern Europe (Almaty, Kazakhstan).

19. OHCHR is elaborating a strategy for its participation in the Comprehensive Development Framework (CDF) process initiated by the World Bank and will, in the near future, intensify its working relations with the Bank in the light of contacts made by the experts on structural adjustment and foreign debt, with a view to providing support, when requested, to country programmes. Contacts between OHCHR and IMF are continuing and preliminary contacts have been made with the World Trade Organization (WTO).

20. Since the previous session of the Commission, OHCHR has continued to nurture its working relations with WIPO, UNCTAD, FAO, the United Nations Centre for Human

Settlements and ILO and has contributed to the construction of the Global Sustainable Development Facility (GSDF), a forum for cooperation between the United Nations system as a whole and the private sector, which is still in the process of validation.

21. The proceedings of the Panel Discussion on Intellectual Property Rights and Human Rights, held in Geneva on 19 October 1998, were jointly published by OHCHR and WIPO in October 1999. The publication is available from WIPO and OHCHR and can be found on the WIPO Web site.

22. In relation to UNDG, OHCHR recently submitted to the UNDG ad hoc group on the right to development for its comments a draft training module on human rights destined for UNDC members. It is expected that the final version of the training module will be ready early in 2000.